



Rep. Robert W. Pritchard

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09800HB5697ham001

LRB098 20246 KTG 57463 a

1 AMENDMENT TO HOUSE BILL 5697

2 AMENDMENT NO. _____. Amend House Bill 5697 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Department of Human Services Act is amended
5 by changing Section 10-26 as follows:

6 (20 ILCS 1305/10-26)

7 Sec. 10-26. Disability database.

8 (a) The Department of Human Services shall compile and
9 maintain a cross-disability database of Illinois residents
10 with a disability who are potentially in need of disability
11 services funded by the Department. The database shall consist
12 of individuals with mental illness, physical disabilities,
13 developmental disabilities, and autism spectrum disorders and
14 shall include, but not be limited to, individuals transitioning
15 from special education to adulthood, individuals in
16 State-operated facilities, individuals in private nursing and

1 residential facilities, and individuals in community
2 integrated living arrangements. Within 30 days after the
3 effective date of this amendatory Act of the 93rd General
4 Assembly, the Secretary of Human Services shall seek input from
5 advisory bodies to the Department, including advisory councils
6 and committees working with the Department in the areas of
7 mental illness, physical disabilities, and developmental
8 disabilities. The database shall be operational by July 1,
9 2004. The information collected and maintained for the
10 disability database shall include, but is not limited to, the
11 following: (i) the types of services of which the individual is
12 potentially in need; (ii) demographic and identifying
13 information about the individual; (iii) factors indicating
14 need, including diagnoses, assessment information, age of
15 primary caregivers, and current living situation; (iv) if
16 applicable, the date information about the individual is
17 submitted for inclusion in the database and the types of
18 services sought by the individual; and (v) the representative
19 district in which the individual resides. In collecting and
20 maintaining information under this Section, the Department
21 shall give consideration to cost-effective appropriate
22 services for individuals.

23 (b) This amendatory Act of the 93rd General Assembly does
24 not create any new entitlement to a service, program, or
25 benefit, but shall not affect any entitlement to a service,
26 program, or benefit created by any other law. Except for a

1 service, program, or benefit that is an entitlement, a service,
2 program, or benefit provided as a result of the collection and
3 maintenance of the disability database shall be subject to
4 appropriations made by the General Assembly.

5 (c) The Department, consistent with applicable federal and
6 State law, shall make general information from the disability
7 database available to the public such as: (i) the number of
8 individuals potentially in need of each type of service,
9 program, or benefit and (ii) the general characteristics of
10 those individuals. The Department shall protect the
11 confidentiality of each individual in the database when
12 releasing database information by not disclosing any
13 personally identifying information.

14 (d) The Department shall allow legal residents who are
15 dependents of a military service member and who are absent from
16 the State due to the member's military service to be added to
17 the database to indicate the need for services upon return to
18 the State. Should an individual in such a situation be selected
19 from the database to receive services, the individual shall
20 have 6 months from the date of the selection notification to
21 apply for services and another 6 months to commence using such
22 services. In the event an individual is receiving services
23 funded by the Department and the services are disrupted due to
24 the military service member's need for the individual to leave
25 the State because of his or her military service, the services
26 shall be resumed upon the individual's return to the State if

1 the dependent is otherwise eligible. No payment pursuant to
2 this Section or Section 12-4.47 of the Illinois Public Aid Code
3 shall be made for home and community based services provided
4 outside the State of Illinois. A dependent of a military
5 service member shall be required to provide the Department
6 with:

7 (1) a copy of the military service member's DD-214 or
8 other equivalent discharge paperwork; and

9 (2) proof of the military service member's legal
10 residence in the State, as prescribed by the Department.

11 (Source: P.A. 95-251, eff. 8-17-07.)

12 Section 10. The Illinois Public Aid Code is amended by
13 adding Section 12-4.47 as follows:

14 (305 ILCS 5/12-4.47 new)

15 Sec. 12-4.47. Continued eligibility for developmental
16 disability services for dependents of military service
17 members.

18 (a) As used in this Section:

19 "Dependent" means a spouse, birth child, adopted child, or
20 stepchild of a military service member.

21 "Legal resident" means a person who maintains Illinois as
22 his or her principal establishment, home of record, or
23 permanent home and to where, whenever absent due to military
24 obligation, he or she intends to return.

1 "Military service" means service in the armed forces or
2 armed forces reserves of the United States, or membership in
3 the Illinois National Guard.

4 "Military service member" means a person who is currently
5 in military service or who has separated from military service
6 in the previous 18 months through either retirement or military
7 separation.

8 (b) A dependent, who is a legal resident of the State,
9 having previously been determined to be eligible for
10 developmental disability services provided by the Department
11 of Human Services, including waiver services provided under the
12 home and community based services programs authorized under
13 Section 1915(c) of the Social Security Act, shall retain
14 eligibility for those developmental disability services as
15 long as he or she remains a legal resident of the State,
16 regardless of having left the State due to the military service
17 member's military assignment outside the State, and as long as
18 he or she is otherwise eligible for such services.

19 (c) The Department of Human Services shall permit a
20 dependent who resides out-of-state to be placed on the waiting
21 list for developmental disabilities services if the dependent
22 left the State due to the military service member's military
23 assignment outside the State, is otherwise eligible for those
24 services, and furnishes the following:

25 (1) a copy of the military service member's DD-214 or
26 other equivalent discharge paperwork; and

1 (2) proof of the military service member's legal
2 residence in the State, as prescribed by the Department.

3 (d) For dependents who received developmental disability
4 services and who left the State due to the military service
5 member's military assignment outside the State, upon the
6 dependent's return to the State and when a request for services
7 is made, the Department shall:

8 (1) determine the dependent's eligibility for
9 services, which may include a request for waiver services
10 provided under the home and community based services
11 programs authorized under Section 1915(c) of the Social
12 Security Act;

13 (2) provide to the dependent notification of the
14 determination of eligibility for services, which includes
15 notification of a denial of services if applicable;

16 (3) provide the dependent an opportunity to contest the
17 Department's determination through the appeals processes
18 established by the Department; and

19 (4) resume services if the individual remains
20 eligible.

21 (e) As a condition of continued eligibility for services
22 under subsection (b) of this Section, a dependent must inform
23 the Department of his or her current address and provide
24 updates as requested by the Department.

25 (f) No payment pursuant to this Section shall be made for
26 developmental disability services authorized under the

1 Illinois Title XIX State Plan and provided outside the State
2 unless those services satisfy the conditions specified in 42
3 CFR 431.52. No payment pursuant to this Section shall be made
4 for home and community based services provided outside the
5 State of Illinois.

6 (g) The Department shall request a waiver from the
7 appropriate federal agency if a waiver is necessary to
8 implement the provisions of this Section.

9 (h) The Department may adopt rules necessary to implement
10 the provisions of this Section.

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.".